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March 2, 2001

via Facsimile/U.S. Mail

Mark D. Chuey  
1000 Town Center  
Twenty-Second Floor  
Southfield, Michigan 48075

Re: Contacting Cisco Employees

Dear Mr. Chuey:

I am writing in response to your letter dated February 23; I would have responded sooner but I have been away on business.

On January 19 you and I had a telephone conversation regarding the contacts you and other members of the Brooks & Kushman firm had initiated with employees of Cisco Systems, Inc. ("Cisco") shortly before and even after the Brooks and Kushman firm filed a lawsuit against Cisco on behalf of Storage Technology Corporation ("StorageTek"). Moreover, the individuals you and your colleagues have contacted were the same individuals accused of wrongdoing in StorageTek's complaint, including allegations of misappropriation of trade secrets, breach of contractual and fiduciary duties, and conversion. The contacts you and your colleagues have had with Cisco's employees constituted serious ethical breaches. In our January 19 conversation I directed that neither you nor anyone else from the Brooks and Kushman firm should have any further, direct contact with any employees of Cisco. I told you that any communications should be directed to Dorsey & Whitney, Cisco's attorneys. You agreed that you and your colleagues would have no further contact with Cisco's employees.

In your letter you state that you "understand" that the individuals you should not directly contact are Mark Bakke, Timothy Kuik, and Edward Fiore. Certainly those individuals are included among the Cisco employees you should not contact, but they are not the only individuals. You and other members of the Brooks and Kushman firm (or other attorneys representing StorageTek) should have no direct contact with *any* employees of Cisco. Such contacts would violate the rules of ethics.

In your letter you also reference the discussions we had regarding patent applications StorageTek intends to pursue. There are some inaccuracies in your description of our

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conversation which require clarification. You incorrectly attribute a statement to me that no former StorageTek employee was willing to sign a Declaration or Assignment "associated with any invention developed while working at StorageTek." What I actually told you was that Mark Bakke and Tim Kuik were not willing to execute the particular Declarations and Assignments you had sent to them, in part because of concerns on their part that such documents contained possibly inaccurate information. They also had questions about signing such documents given the fact that neither ever signed any agreement with StorageTek assigning rights in their inventions to StorageTek. (Undoubtedly that is why you were trying to persuade them to sign such assignments now.)

To be clear, however, I did not say that these individuals, or any other individuals, would *never* execute *any* declarations or assignments associated with *any* invention. It is my understanding that some or all of these individuals already have signed some documents regarding inventions at StorageTek and may be willing to sign other documents under appropriate circumstances. However, they would not be willing to sign documents which contain inaccurate information. Additionally, they are not willing to undertake undue burdens, such as a burdensome review of materials or records or other patent filings.

There also seems to be some confusion on your part about whether I was to write you a confirming letter regarding our conversation. In any event, this letter should serve whatever need you may have for a confirming letter.

Finally, as you may know, a motion is currently pending before the U.S. District Court for the District of Minnesota addressing the question whether the Brooks and Kushman firm should be allowed to represent StorageTek in litigation against Cisco. My letter to you should not be construed in any way to suggest that we believe the Brooks and Kushman firm has been or should be admitted pro hac vice in the matter pending in Minnesota. We preserve all our positions as presented on that motion.

If you have any questions or require further clarification, please do not hesitate to contact me.

Very truly yours,

  
Joseph W. Hammell

JWH:mmc

cc: Victor E. Lund, Esq.